



IFW

Docket No. J&J1886CIP1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Miri Seiberg et al.

Serial No. : 10/689,149 Art Unit: 1616

Filed : October 20, 2003 Examiner:

For : Topical Anti-Cancer Compositions and Methods of
Use Thereof

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July 9, 2004
(Date of Deposit)

Andrea L. Colby
(Name of applicant, assignee, or Registered Representative)

Andrea L. Colby
(Signature)

July 9, 2004
(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure
Statement mailed on March 15, 2004.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37
C.F.R. §§1.97-1.98, information relating to the above-
identified application is hereby disclosed. Inclusion of
information in this statement is not to be construed as an
admission that this information is material as that term is
defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the
patentability of the claimed invention over any of the
information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance

under §1.311 but before the payment of the Issue Fee.
Applicant(s) hereby petition(s) for consideration of this
Information Disclosure Statement. Included are: Statement in
Accordance with §1.97(e) as set forth below and the fee of
\$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the
attached Form PTO-1449 are enclosed herewith.

☒ Identification of Prior Application in Which Listed
Information Was Already Cited and for Which No Copies Are
Submitted or Need Be Submitted.

☒ This application relies, under 35 U.S.C. § 120,
on the earlier filing date of prior application
SN.: 09/698,454, filed on 10/27/2000.

☒ The following references were submitted to,
and/or cited by, the Office in the prior
application(s) and, therefore, are not required
to be provided in this application: All.

☒ If any of the foregoing publications are not
available to the Examiner, Applicant will
endeavor to supply copies at the Examiner's
request.

☐ Copies of only foreign patent documents and non-
patent literature are enclosed in accordance with 37 CFR 1.98
(a)(2). (The U.S. patents and each U.S. patent application
publication listed on the attached Form PTO-1449 are not
enclosed because this U.S. patent application was filed after
June 30, 2003 or this international application has entered the
national stage under 35 USC §371 after June 30, 2003 (see USPTO
waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☐ There are no listed references which are not in the
English language.

☒ The relevance of those listed references which are not in the English language is as follows:

English language claims are provided for EP 0643083 A1 from its B1 document, a copy of which is also provided.

English language abstracts are provided for CN 1094279, FR 2596986, FR 2641696, FR 2685202, JP 6145061, JP 6192085, JP 7010772, JP 7196527, JP 7196529, JP 8040824, JP 8059450, JP 8143442, JP 8333260, JP 9059166, JP 9077638, JP 9176033, JP 58225004, JP 59187756, JP 2000302678, KR 92-8853, and WO 97/11033.

English language translations are provided for EP 0421021, FR 2803747, FR 2811226, JP 1096106, JP 3127713, JP 4169514, JP 5015574, JP 5213729, JP 5246932, JP 5320024, JP 5320061, JP 7304655, JP 8012560, JP 8020597, JP 8099891, JP 9025212, JP 9025214, JP 11346695, JP 58225003, JP 62036304, JP 63068512, JP 63096120, JP 63227515, JP 63316711, KR 92-8851, RU 2066992, WO 96/40121, WO 99/09065, WO 00/15188, WO 02/07697, HAMADA J. Soc. Cosmet. Chem. Japan 31(4):413-419 1997, and WANG Acta Entomologica Sinica 38(3):272-274 1995.

English language equivalents are provided as follows:

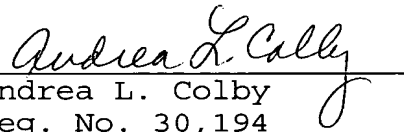
EP 0643960 - US 5,741,496
EP 0655470 - US 5,712,356 & 5,936,052
EP 0661037 - US 5,629,015
EP 0814116 - US 5,871,823
JP 5114905 - EP 0508886
WO 87/07838 - US 4,978,528
WO 98/33089 - US 6,018,001
WO 02/07697 - US 2004/009142

☒ Attached are copies of patent applications/patents which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/J&J1886CIP1/ALC. This form is submitted in triplicate.

Respectfully submitted,


Andrea L. Colby
Reg. No. 30,194
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2792

DATED: *July 9, 2004*



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 22

Application Number	10/689,149
Filing Date	10-20-2003
First Named Inventor	Miri Seiberg et al.
Group Art Unit	1616
Examiner Name	
Attorney Docket Number	J&J1886CIP1

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		3,097,947	A	Kemmerer	07-16-1963	
		3,625,976	A	Theimer	12-07-1971	
		3,755,560	A	Dickert	08-28-1973	
		4,007,266	A	Choay	02-08-1977	
		4,056,637	A	Hagiwara et al	11-01-1977	
		4,151,304	A	Evans	04-24-1979	
		4,190,671	A	Vanstone	02-26-1980	
		4,219,569	A	Glenn	08-26-1980	
		4,223,018	A	Belle	09-16-1980	
		4,254,105	A	Fukuda	03-03-1981	
		4,272,544	A	Cella	06-09-1981	
		4,278,570	A	Flom	07-14-1981	
		4,279,930	A	Hall	09-14-1979	
		4,297,348	A	Frazier	10-27-1981	
		4,331,692	A	Drevici	05-25-1982	
		4,333,927	A	Ofuchi	06-08-1982	
		4,368,187	A	Flom	01-11-1983	
		4,370,315	A	Greff	01-25-1983	
		4,382,960	A	Flom	05-10-1983	
		4,386,067	A	Guillon	05-31-1983	
		4,421,769	A	Dixon	12-20-1983	
		4,427,670	A	Ofuchi	01-24-1984	
		4,434,095	A	Chipens et al.	02-28-1984	
		4,437,895	A	Koulbanis	03-20-1984	
		4,439,418	A	Moller	03-27-1984	
		4,462,981	A	Smith	07-21-1984	
		4,477,434	A	Kosaka	10-16-1984	

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 22

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		Number	Kind Code ² (if known)			
		4,486,448	A	Ser	12-04-1984	
		4,488,564	A	Grollier	12-18-1984	
		4,515,778	A	Kastell	05-07-1985	
		4,524,067	A	Arichi	06-18-1985	
		4,537,782	A	Millet	08-27-1985	
		4,550,035	A	Smith	10-29-1985	
		4,578,267	A	Salamone	03-25-1986	
		4,584,190	A	Tejima	04-22-1986	
		4,604,281	A	Deckner	08-05-1986	
		4,612,192	A	Scheuffgen	09-16-1986	
		4,690,821	A	Smith	09-01-1987	
		4,707,293	A	Ferro	12-17-1987	
		4,760,096	A	Sakai	07-26-1988	
		4,793,991	A	Slimak	12-27-1988	
		4,824,662	A	Hofmann	04-25-1989	
		4,834,076	A	Millet	05-30-1989	
		4,847,267	A	Deckner	07-11-1989	
		4,851,214	A	Walters	07-25-1989	
		4,859,458	A	Salamone	08-22-1989	
		4,867,964	A	Forestier	09-19-1989	
		4,871,530	A	Grollier	10-03-1989	
		4,885,169	A	Gazzani	12-05-1989	
		4,895,839	A	Bombardelli	01-23-1990	
		4,906,457	A	Ryan	03-06-1990	
		4,943,462	A	Komerska	07-24-1990	
		4,960,588	A	Hoshowski	10-02-1990	
		4,960,764	A	Figuerola	10-02-1990	

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Sheet 3 of 22

Application Number	10/689,149
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		Number	Kind Code ² (if known)			
		4,970,216	A	Deckner	11-13-1990	
		4,971,825	A	Kitazume et al.	11-20-1990	
		4,978,528	A	Degre	12-18-1990	
		5,002,761	A	Mueller	03-26-1991	
		5,032,382	A	Crollie	07-16-1991	
		5,032,400	A	Wiersum	07-16-1991	
		5,043,323	A	Bombardelli	08-27-1991	
		5,057,417	A	Hammonds et al.	10-15-1991	
		5,077,038	A	Hofmann	12-31-1991	
		5,077,040	A	Bergmann	12-31-1991	
		5,104,655	A	Bombardelli	04-14-1992	
		5,110,603	A	Rau	05-05-1992	
		5,116,605	A	Alt	05-26-1992	
		5,118,671	A	Bombardelli	06-02-1992	
		5,130,142	A	Wong et al.	07-14-1992	
		5,147,859	A	Bombardelli	09-15-1992	
		5,166,139	A	Bombardelli	11-24-1992	
		5,171,577	A	Griat	12-15-1992	
		5,179,091	A	Lesieur	01-12-1993	
		5,188,823	A	Shapiro	02-23-1993	
		5,192,332	A	Lang	03-09-1993	
		5,194,252	A	Hofmann	03-16-1993	
		5,217,717	A	Kennedy	06-08-1993	
		5,229,104	A	Sottery	07-20-1993	
		5,231,090	A	Hsia	07-27-1993	
		5,248,495	A	Patterson	09-28-1993	
		5,254,331	A	Mausner	10-19-1993	

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Sheet 4 of 22

Application Number	10/689,149
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First Named Inventor	Miri Seiberg et al.
Group Art Unit	1616
Examiner Name	
Attorney Docket Number	J&J1886CIP1

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		Number	Kind Code ² (if known)			
		5,260,065	A	Mathur	11-09-1993	
		5,270,042	A	Whitham	12-14-1993	
		5,276,058	A	Satoh	01-04-1994	
		5,306,444	A	Kitamura	04-26-1994	
		5,310,734	A	Losch	05-10-1994	
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		5,352,443	A	Kubo	10-04-1994	
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		5,393,519	A	Dowell	02-28-1995	
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		5,407,675	A	Etemad-Moghadam	04-18-1995	
		5,411,742	A	Sebag	05-02-1995	
		5,427,814	A	Loliger	06-27-1995	
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		5,438,044	A	Losch	08-01-1995	
		5,439,672	A	Zabotto	08-08-1995	
		5,443,839	A	Meybeck	08-22-1995	
		5,443,840	A	Morancais	08-22-1995	
		5,446,605	A	Umehara	08-29-1995	
		5,466,452	A	Whittle	11-14-1995	
		5,498,420	A	Mentrup Edgar	03-12-1996	
		5,503,832	A	De Stoutz	04-02-1996	
		5,505,946	A	Kennedy et al.	04-09-1996	
		5,510,391	A	Elson	04-23-1996	
		5,523,308	A	Costanzo	06-04-1996	
		5,539,129	A	Zysman	07-23-1996	

Examiner Signature	Date Considered
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet 5 of 22

Application Number	10/689,149
Filing Date	10-20-2003
First Named Inventor	Miri Seiberg et al.
Group Art Unit	1616
Examiner Name	
Attorney Docket Number	J&J1886CIP1

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		Number	Kind Code ² (if known)			
		5,545,399	A	Lee	08-13-1996	
		5,547,661	A	Sun	08-20-1996	
		5,554,647	A	Perricone	09-10-1996	
		5,565,439	A	Piazza et al.	10-15-1996	
		5,565,493	A	Nakata et al.	10-15-1996	
		5,567,420	A	McEleney	10-22-1996	
		5,569,663	A	Ribier	10-29-1996	
		5,571,503	A	Mausner	11-05-1996	
		5,578,297	A	Mellul	11-26-1996	
		5,589,181	A	Bencsits	12-31-1996	
		5,595,984	A	Blank	01-21-1997	
		5,597,814	A	Blank	01-28-1997	
		5,601,833	A	Roboer	02-11-1997	
		5,603,949	A	Meybeck	02-18-1997	
		5,605,894	A	Blank	02-25-1997	
		5,607,666	A	Masson	03-04-1997	
		5,607,692	A	Ribier	03-04-1997	
		5,614,180	A	Chung	03-25-1997	
		5,614,215	A	Ribier	03-25-1997	
		5,616,572	A	Blank	04-01-1997	
		5,618,522	A	Kaleta	04-08-1997	
		5,620,692	A	Potter	04-15-1997	
		5,622,690	A	Potter	04-22-1997	
		5,626,868	A	Morancais	05-06-1997	
		5,629,015	A	Ribier	05-13-1997	
		5,629,301	A	Blank	05-13-1997	
		5,631,318	A	Ito	05-20-1997	

Examiner
SignatureDate
Considered

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Sheet 6 of 22

Application Number	10/689,149
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		5,635,165	A	Panitch	06-03-1997	
		5,637,316	A	Ribier	06-10-1997	
		5,639,785	A	Kung	06-17-1997	
		5,641,509	A	Gross	06-24-1997	
		5,643,583	A	Voultoiry	07-01-1997	
		5,643,587	A	Scancarella	07-01-1997	
		5,643,601	A	Gross	07-01-1997	
		5,650,166	A	Ribier	07-22-1997	
		5,652,230	A	Blank	07-29-1997	
		5,653,988	A	Gerber	08-05-1997	
		5,660,853	A	Hansenne-Richoux	08-26-1997	
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Examiner Signature	Date Considered
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STATEMENT BY APPLICANT**

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Sheet 7 of 22

Application Number	10/689,149
Filing Date	10-20-2003
First Named Inventor	Miri Seiberg et al.
Group Art Unit	1616
Examiner Name	
Attorney Docket Number	J&J1886CIP1

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
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Sheet 8 of 22

Application Number	10/689,149
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Group Art Unit	1616
Examiner Name	
Attorney Docket Number	J&J1886CIP1

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Sheet 9 of 22

Application Number	10/689,149
Filing Date	10-20-2003
First Named Inventor	Miri Seiberg et al.
Group Art Unit	1616
Examiner Name	
Attorney Docket Number	J&J1886CIP1

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		Number	Kind Code ² (if known)			
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 10 of 22

Application Number	10/689,149
Filing Date	10-20-2003
First Named Inventor	Miri Seiberg et al.
Group Art Unit	1616
Examiner Name	
Attorney Docket Number	J&J1886CIP1

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	KindCode ⁵				
		AU	724988	B2	Genentech, Inc.	05-29-1998	=WO 98/19700	
		CN	1094279	A	Wang	11-02-1994	English Abstract	No
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		EP	0 421 021	A1	Mucos Emulsionsgesellschaft	04-10-1991		Yes
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STATEMENT BY APPLICANT**

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Sheet 11 of 22

Application Number	10/689,149
Filing Date	10-20-2003
First Named Inventor	Miri Seiberg et al.
Group Art Unit	1616
Examiner Name	
Attorney Docket Number	J&J1886CIP1

FOREIGN PATENT DOCUMENTS

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		Office ³	Number ⁴	KindCode ⁵				
		FR	2 803 747	A1	Laboratoires Pharmascience	07-20-2001		Yes
		FR	2 811 226	A1	Clarins Laboratoires	01-11-2002		Yes
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		JP	3127713	A	Sansho Pharmaceutical et al.	05-30-1991		Yes
		JP	4169514	A	Shiseido Company, Ltd.	06-17-1992		Yes
		JP	5015574	A	Japan Atom Energy Res Inst, et al.	01-26-1993		Yes
		JP	5114905	A	Digital Equipment Corp.	05-07-1993	=EP 0 508 886	No
		JP	5213729	A	Kao Corporation	08-24-1993		Yes
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		JP	6145061	A	Fuji Seiyu KK	05-24-1994	English Abstract	No
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		JP	7010772	A	Fuji Seiyu KK	01-13-1995	English Abstract	No
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		JP	7304655	A	Kikkoman Corp.	11-21-1995		Yes
		JP	8012560	A	Shiseido Company, Ltd.	01-16-1996		Yes
		JP	8020597	A	Meiji Pharmaceutical Company, Ltd.	01-23-1996		Yes
		JP	8040824	A	Nonogawa Shoji:KK	02-13-1996	English Abstract	No
		JP	8059450	A	Kose Corporation	03-05-1996	English Abstract	No
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Group Art Unit	1616
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		Office ³	Number ⁴	KindCode ⁵				
		JP	9077638	A	Art Beauty Clinic KK	03-25-1997	English Abstract	No
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		RU	2066992	C1	Ostroumova Nadezhda Mikhajlovna	09-27-1996		Yes
		WO	87/07838	A1	Societe Bio Serac Sarl	12-30-1987	=US 4,978,528	No
		WO	91/04283	A1	Chang et al.	04-04-1991		
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Sheet 13 of 22

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		WO	96/24371	A1	Phairson Medical Inc.	08-15-1996		
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		WO	98/49153	A1	Novogen Inc.	11-05-1998		
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Sheet 14 of 22

Application Number	10/689,149
Filing Date	10-20-2003
First Named Inventor	Miri Seiberg et al.
Group Art Unit	1616
Examiner Name	
Attorney Docket Number	J&J1886CIP1

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	KindCode ⁵				
		WO	99/36050	A1	Novogen Research Pty. Ltd.	07-22-1999		
		WO	99/57178	A1	Bausch & Lomb Incorporated	11-11-1999		
		WO	00/15188	A1	Sedema	03-23-2000		Yes
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		WO	00/51554	A2	Johns Hopkins University	09-08-2000		
		WO	00/62740	A2	The Procter & Gamble Company	10-26-2000		
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		WO	01/34099	A1	J&J Consumer Products Inc.	05-17-2001	JBP0518	
		WO	01/35920	A1	Hindustan Lever Limited	05-25-2001		
		WO	02/07697	A1	Cognis France S.A.	01-31-2002	=US 2004/009142	Yes

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

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		"A Combined Soybean Crushing-Deodorizing System that Yields 100-200 Mesh Powder for Food Additive Use has been Developed by SHINYU ZOKI CO. LTD. And MITSUBISHI RAYON ENGINEERING LTD.", <i>Tech Times</i> , pp 10 (1978).	
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		"EnzChek® Protease Assay Kits" Product Information, MP06638, pp 1-4, Revised February 25, 2001, MOLECULAR PROBES, Eugene, OR.	
		"Flavosterone S (Soybean Extract Contained Iso-Flavone", ICHIMARU PHARCOS CO., LTD. pp 11-13 (December 22, 1998).	
		"Isoral" Soybean power makes your skin clear and moist!" – Brochure, publicly available prior to February 28, 2001.	
		"Lipoxydase Code 411784", Lipoxydase File April 1999, A LIBiol Body Care Composition.	
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		"Patent Abstracts - Gastric Juice for Antiaging 1997".	
		"Patent Abstracts - Plant extracts for skin whitening", publicly available prior to February 28, 2001.	
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Sheet 17 of 22

Application Number	10/689,149
Filing Date	10-20-2003
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Group Art Unit	1616
Examiner Name	
Attorney Docket Number	J&J1886CIP1

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

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	<i>First Named Inventor</i>	Miri Seiberg
	<i>Group Art Unit</i>	1616
	<i>Examiner Name</i>	
	<i>Attorney Docket Number</i>	J&J1886CIP1

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			Number	Filing Date	
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